

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JERRY and GEORGETTA CONLEY,

Plaintiffs,

vs.

JOHN G. STUMPF, et al.

Defendants.

Case No.: 2:10-cv-01260-GMN-RJJ

ORDER

Pending before the Court is a Motion to Dismiss Plaintiff's Complaint with Prejudice (ECF No. 5) filed by Defendants Wells Fargo Bank N.A., John G. Stumpf, and Mortgage Electronic Registration Systems, Inc., and joined by Defendant Michael J. Williams and non-party Federal National Mortgage Association. Plaintiffs have filed no response to the Motion.

Also pending is Defendants' Motion to Release Lis Pendens (ECF No. 17). For the reasons that follow, the Court grants both of Defendants' motions.

DISCUSSION

I. Motion to Dismiss

According to the Local Rules of Practice in this Court, responses to a motion must be served by an opposing party within fourteen days after service of the motion. D. Nev. R. 7-2(a). "The failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." D. Nev. R. 7-2(d); *see Obiajulu v. Rite Aid Headquarters Corp.*, No. 2:07-cv-1287-KJD-LRL, 2010 WL 3168054, at *1 (D. Nev. Aug. 9, 2010).

Defendants filed their Motion to Dismiss on August 3, 2010; thus, Plaintiffs were required to respond no later than August 21, 2010. Plaintiffs, however, have failed to file any

1 response at all.

2 Under the Local Rules, such a failure to respond is tantamount to Plaintiffs agreeing that
3 Defendants' motion should be granted. Accordingly, the Court grants Defendants' Motion to
4 Dismiss.

5 **II. Motion to Release Lis Pendens**


6 Nev. Rev. Stat. § 14.010(2) allows a *lis pendens* to be filed for an action pending in the
7 District of Nevada when there is "a notice of an action affecting real property, which is pending."
8 When the underlying claims upon which a *lis pendens* is based are resolved, then the *lis pendens*
9 expires. *McCormick v. Executive Trustee Services*, No. 2:09-cv-2331-JCM-PAL, 2010 WL
10 3385359, at *2 (D. Nev. Aug. 24, 2010). Because Defendants' Motion to Dismiss has been
11 granted, there is no longer any basis for the *lis pendens*, and the Court grants Defendants' Motion
12 to Release Lis Pendens.
13

14 **CONCLUSION**

15 IT IS HEREBY ORDERED that Defendant s' Motion to Dismiss (ECF No. 5) is
16 GRANTED.

17 IT IS FURTHER ORDERED that Defendants' Motion to Release Lis Pendens (ECF No.
18 17) is GRANTED.

19 DATED this 14th day of September 2010.

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23 Gloria M. Navarro
24 United States District Judge
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